

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)
v.)
)
ALI AL-TIMIMI) Criminal No. 1:04cr385
)

GOVERNMENT'S OPPOSITION TO MOTION RE: PRESIDENT'S
SURVEILLANCE PROGRAM AND "OTHER INTELLIGENCE ACTIVITIES"

On September 16, 2013, defendant Timimi moved the Court to order the Government to do the following:

- (1) confirm that the scope of its prior search (as detailed in prior classified filings) encompassed all federal agencies and all surveillance programs, including but not limited to the Presidential Surveillance Program (“PSP”), or otherwise disclose such materials to him; and
 - (2) direct the Government to submit a report on what information was reviewed by investigators from TSP, PSP, or other previously undisclosed intelligence activities in the investigation of the defendant and his followers.

The motion should be denied as moot. There is no need for the requested orders because the scope of the prior search encompassed the PSP, and the Court already has detailed reports on what information was reviewed by investigators.

The scope of the Government's prior search did, indeed, encompass the PSP. No new report is necessary or appropriate with respect to the information that was reviewed from TSP, PSP, or other previously undisclosed intelligence activities, because detailed reports providing

that information were submitted to this Court on March 6, 2008 (Docket Item #249), May 14, 2008 (Docket Item #258), and May 27, 2008 (Docket Item #259).¹

In a classified and *ex parte* filing, the United States today filed a declaration of an NSA official. The information contained in Paragraph 11 of that declaration, along with that contained in the Government's status reports previously filed in March and May 2008, demonstrate why no additional search or new report is necessary.

Respectfully submitted,

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¹ We cannot, however, confirm that the scope of the prior search encompassed *all* federal agencies and *all* surveillance programs. As we explained before, no one responsibly can "confirm" that his search encompassed programs of which he was unaware.

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2013, I electronically filed the foregoing
GOVERNMENT'S OPPOSITION TO MOTION RE: PRESIDENT'S SURVEILLANCE
PROGRAM AND "OTHER INTELLIGENCE ACTIVITIES" with the Clerk of Court using the
CM/ECF system, which will send a notification of such filing (NEF) to the following:

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